



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*



Todd Parfitt, Director

Matthew H. Mead, Governor

## NOTIFICATION OF COVERAGE

February 15, 2017

Poverty Hill North, LLC  
Attn: Mr. James Jackson  
P.O. Box 658  
Dubois, WY 82513

RE: Lava Mountain Lodge  
Class 5E5, UIC Facility WYS-013-00126, Fremont County, Wyoming

Dear Mr. Jackson:

The Wyoming Department of Environmental Quality (WDEQ) Underground Injection Control Program (UIC) has reviewed the UIC permit application received on January 8, 2016, with supplemental information received on June 2, 2016, for the Lava Mountain Lodge. Five (5) existing septic systems located at the Lava Mountain Lodge are approved for coverage under UIC General Permit 5C6-5E5 as a 5E5 facility. Specifically, these include the septic systems serving the lodge, restaurant, campground, big house, and the 1-bedroom employee house. Please adhere to the rules and regulations for such facilities. A copy of UIC General Permit 5C6-5E5 is enclosed for your reference. Under this general permit, there are no regularly scheduled sampling or reporting requirements. However, Poverty Hill North, LLC should be aware that the Pinnacle Ranch #1 well, public water system (PWS) WY5600407, does not meet the new minimum setback distance between a leach field and a PWS well of 500 feet recently promulgated in July 2016 under Chapter 25 of the Wyoming Water Quality Rules and Regulations (WWQRR). Additionally, the exceedance of a Federal Maximum Contaminant Level (MCL) for any analyzed constituent collected from PWS WY5600407 and reported to the United States Environmental Protection Agency (USEPA) also requires notification by the permittee to the UIC Program within 24 hours of discovery and reporting under Part IV(A)(5) of the 5C6-5E5 General Permit. Any permit noncompliance constitutes a violation of the permit and may be resolved by enforcement action, permit termination, revocation, or modification. Further, operators who have not completed source water assessments for their PWS are encouraged to participate in voluntary assessments to protect them from sources of contamination. More information on Source Water Wellhead Protection and voluntary assessments is available at <http://deq.wyoming.gov/wqd/source-water-wellhead/>.

Additionally, should this facility begin operating on a more consistent daily basis, or add more services which result in a full-capacity year-round operation; such that your average weekly septic system outflows exceed 2,000 gallons per day within any 5 acres of land, you may be required to obtain coverage under an individual UIC permit requiring sampling and reporting at that time. If additional sewage flows are added beyond those identified in the permit application, the permittee must submit a revised application and receive a new permit prior to modification of the leach fields or treatment systems.

Finally, the 5E2 untreated domestic sewage disposal system (cesspool), located on the northern portion of property and reportedly connected to the tan house and old cabin, is not approved for coverage under the 5C6-5E5 General Permit because construction and operation of this type of UIC facility is banned under Section 20 of Chapter 27 of the WWQRR. As such, this facility must be abandoned in accordance with Section 18 of Chapter 27 of the WWQRR and may be subject to an enforcement action.

The required closure of this facility will be addressed in future correspondence from the UIC Program, and questions related to the closure of the cesspool may be directed to Kathy Shreve at [kathy.shreve@wyo.gov](mailto:kathy.shreve@wyo.gov) or 307-777-6682.

The UIC Program was promulgated to prevent serious problems caused by direct discharges to the groundwater. Those problems included groundwater pollution leading to contamination in domestic water wells and serious health effects caused by exposures to toxic substances and water borne pathogens. Thank you for your cooperation with our program.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Brown', with a long horizontal flourish extending to the right.

Chris Brown, P.G.  
Project Geologist  
Underground Injection Control Program  
[christopher.brown@wyo.gov](mailto:christopher.brown@wyo.gov)  
(307) 777-2960

CB/rm/17-0134

Enclosures: General Permit 5C6-5E5

c: WDEQ UIC file  
Lily Lee, WDEQ Cheyenne (via email)  
John Passehl, WDEQ Cheyenne (via email)  
James Brough, WDEQ Lander (via email)  
Tiffany Mifflin, USEPA, 1595 Wynkoop St. (8P-W-DW), Denver, CO 80202  
Marcel Lopez, Fremont County Planning Department, 450 N. 2<sup>nd</sup> St., Rm 360, Lander, WY 82520